



October 10, 2018

**Via ECF**

Honorable William M. Skretny, U.S. District Judge  
U.S. District Court for the Western District of New York  
2 Niagara Square  
Buffalo, New York 14202

**Re: *Jordet v. Just Energy Solutions, Inc.*, No. 1:18-cv-00953-WMS**

Dear Judge Skretny:

We represent Plaintiff Trevor Jordet in the above-referenced action, and write to respectfully request that Your Honor grant Plaintiff leave to file the attached brief sur-reply in response to Defendant Just Energy Solutions, Inc.'s Reply Memorandum of Law in Support of Defendant's Motion to Dismiss (ECF No. 32) (the "Reply"). In its Reply, Defendant mischaracterizes Plaintiff's arguments and advances several new misstatements of fact concerning relevant case law, depriving Plaintiff of an opportunity to respond to Defendant's arguments. Notwithstanding, Plaintiff solely seeks to address Defendant's contention that "the EIA collects ESCO data 'only in Georgia, New York and Ohio' and does not collect ESCO data in Pennsylvania. Plaintiff thus asks this Court to take judicial notice of data that does not exist." Reply at 1; *accord* Reply at 5. As discussed in the attendant proposed sur-reply, Defendant is incorrect.

Plaintiff therefore respectfully requests that this Court grant Plaintiff leave to file the enclosed sur-reply.

Respectfully Submitted,

s/ D. Greg Blankinship

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